

Notice of Allowability

Application No.

09/773,121

Applicant(s)

ADAMS, JOHN C.

Examiner

Art Unit

Mary J. Steelman

2191

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4 October 2004, 29 July 2004.
2. ☒ The allowed claim(s) is/are 21-39 (renumbered 1-19).
3. ☒ The drawings filed on 31 January 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


TUAN DAM
SUPERVISORY PATENT EXAMINER

DETAILED ACTION

1. This Office Action is in response to RCE filed 4 October 2004. Remarks and amendments received 29 July 2004 have been considered. Claims 23, 32, and 35 have been amended. Claims 21-39 are pending.

Claim Rejections - 35 USC § 112

2. In view of the amendments to claims 23 and 35, the prior 35 USC 112 second paragraph rejections are hereby withdrawn.

Claim Objections

3. In view of the amendment to claim 32, the prior claim objection is hereby withdrawn.

Allowable Subject Matter

4. Claims 21-39 are allowed.

5. The following is an examiner's statement of reasons for allowance:

Examiner has performed an update search, which produced a related prior art, US PreGrant Pub 2003/0131338 A1 to Georgalas.

Georgalas disclosed [0031] modeling in reference to XML, [0034] "a class acts like a template...", and [0035] "...constraints...specify certain limitations a designer wants to apply..." and "policies are used as the means to specify behavior..." While Georgalas suggested that a designer may specify constraints, he failed to explicitly specify such limitations as **"each code section utilizes one of the following object-oriented classes** each of which models a type of markup language element: **an inline class...**in which other markup language elements **cannot be nested**, and which comprises an opening tag, an argument and no closing tag; and a **container class...**in which other markup language elements **can be nested**, and which comprises

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an opening tag, a closing tag, and an argument disposed between the opening and closing tags”, as recited in independent claim 21. (emphasis added)

Similarly, independent claim 32 recites limitations: “a **first type of markup language element** in which other markup language elements **cannot be nested** and which comprises an opening tag, an argument and no closing tag; and a **second type of markup language element** in which other markup language elements **can be nested** and which comprises an opening tag, a closing tag and an argument disposed between the opening and closing tags”... “...**classes each of which models either the first type or the second type of markup language element...**” (emphasis added)

Taken in consideration with remaining limitations of the entire claim, independent claims 21 and 32 would not have been obvious, taken alone or in combination with prior art of record. Thus remaining dependent claims, claims 22-31 and 33-39 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Conclusion

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6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

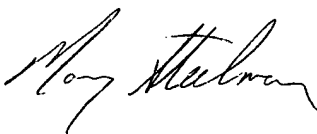
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Steelman, whose telephone number is (571) 272-3704. The examiner can normally be reached Monday through Thursday, from 7:00 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached at (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mary Steelman

05/11/2005



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